



BC

BETHLEHEM CENTRAL
SCHOOL DISTRICT

700 Delaware Avenue
Delmar, New York
12054

(518) 439-4921 ext 326

Mac Carlton

Director of
Learning Education
Service Technology

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch:

I wrote an Appeal letter to the USAC in July of 2006 (attached). My appeal was denied for the SLD to modify the funding commitment for Application # **443073**. In November 2006, I received another correspondence from the USAC opening up appeals for the 2005 funding year. I called the USAC to ask if I was eligible for this appeal process, and they told me I was not, because I already was denied funding and I didn't pursue this decision by sending an appeal letter to the FCC within **60** days.

I now understand that the FCC waived a number of procedural rules that had led to funding denials, because the FCC felt these decisions unduly penalized applicants for what it characterized as "clerical and ministerial errors."

The basis of my appeal was that I followed the instructions on the Funding Decision Commitment Letter, which instructed to file a **486** form next, but mentioned nothing about a 120-day expiration date. As a result, the District's funding was adjusted from **\$35,543.52** to **\$1 1,847.84** because the 120-day **486** deadline.

There was **no** mention of this 120-day deadline on the Funding Commitment Letter--it only mentioned that a 486 form had to be submitted. My appeal said that, in the spirit of the purpose of eRate, **I am** requesting that you retract your decision to adjust the funding commitment amount. Times are hard for school districts, and every bit of funding counts. The spirit of the eRate program is clearly to provide schools with the funding needed to provide critical technology components to educate their students. I hoped this funding would not be stopped due to a communications error.

And so, I **am** now, possibly too late, appealing to the FCC to correct this situation. I believe the spirit of eRate funding is to help schools, not to hold them to harsh penalties for clerical and ministerial errors.

I thank you for considering this appeal.


McDonald Carlton

March 26, 2007

CC: Docket No. 02-6

No. of copies rec'd 041
List A B C D E



BC

**BETHLEHEM CENTRAL
SCHOOL DISTRICT**

700 Delaware Avenue
Delmar, New York
12054

(518)439-4921 ext 326

Mac Carlton

Director of
Learning Education
Service Technology

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

Dear Sir or Madam:

I ~~am~~ writing this letter of appeal to ask the SLD to reconsider an adjusted funding commitment on FRN 1223789.

On June 27, 2005, the Bethlehem Central School District received a funding commitment decision letter for \$35,543.52 for funding year 2005 (7/1/2005 6/30/2006) on FRN 1223789. Details below:

Re: Funding ~~Year~~ 2005: 07/1/2005 – 06/30/2005
Billed Entity Name: Bethlehem Cent School District
Billed Entity Number: 124064
Form 471 Application Number: 443073
FRN: 1223789

I followed the instructions on the Funding Decision Commitment Letter to take the next steps, which included filing a 486 form. Because the District submits its discount annually after the service has been provided, I submitted the 486 and the BEAR form after the service expiration date. When I received the Form 486 Notification Letter, the funding commitment was adjusted to \$11,847.84 because of the 120-day 486 deadline.

Although, the detailed instructions on the **486** form stipulate a 120-day deadline for the 486 form submission, there was no mention of this on the Funding Commitment Letter--it only mentioned that a 486 form had to be submitted. In the spirit of ~~an~~ appeal, and education in general, I am requesting that you retract your decision to adjust the funding commitment amount. Times are hard for school districts, and every bit of funding counts. The spirit of the eRate program is clearly to provide schools with the funding needed to provide critical technology components to educate their students. I hope this funding would not be stopped due to a communications error.

I thank you for taking the time to consider this appeal.

McDonald Carlton

July 13, 2006



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision **on Appeal** – Funding Year **2005-2006**

July 31, 2006

Mac Carlton
Bethlehem Central School District
700 Delaware Avenue
Delmar, ~~NY~~ 12054

Re: Applicant Name: BETHLEHEM CENT SCHOOL DISTRICT
Billed Entity Number: 124064
Form 471 Application Number: 443073
Form 486 Application Number: 346597
Funding Request Number(s): 1223789
Your Correspondence Dated July 13, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (**SLD**) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1223789
Decision on Appeal: Denied
Explanation:

- You are appealing SLD's decision to modify the funding commitment for Application number 443073. You say that you followed the instructions on the Funding Decision Commitment Letter, which included filing a Form 486. You state that because the District submits its reimbursement requests annually, you submitted the 486 and the BEAR form together. Further you acknowledge that the detailed instructions on the 486 form stipulate a 120-day deadline for the 486 form, but that the Funding Commitment Letter only mentioned that a 486 form had to be submitted. You are requesting that the SLD retract its decision to adjust the **funding** commitment amount.

- Upon thorough review of the appeal letter and relevant documentation, the SLD has determined that the Form 486 for this funding request was not filed within 120 days calculated from the date of the Funding Commitment Decision Letter (FCDL) or the Service Start Date (SSD) as indicated on the Form 486, whichever date is later. The record shows that the date of the FCDL is June 27, 2005 and that the SSD indicated on the Form 486 was July 1, 2005. The Form 486 was postmarked and certified on July 03, 2006. Since the Form 486 was postmarked and certified more than 120 days after the later date of FCDL or SSD, whichever is later, the **SSD** has been revised to the date 120 days before the Form 486 postmark date, which is March 05, 2006. The funding commitment has been reduced accordingly. See FY 2005 Funding Commitment Decision Letter, Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853. It is the responsibility of the applicant to ensure that all forms are submitted to the SLD in a correct and timely manner. As a result, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file **an** appeal with the FCC. You should refer to CC Docket **No. 02-6** on the **first** page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If **you** are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street **SW**, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area **of** the SLD web site or by contacting ~~the~~ Client Service Bureau. We strongly recommend that you use the electronic filing options.

We ~~thank~~ you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



BC

Bethlehem Central
High School

700 Delaware Avenue
Delmar, New York
12054

[REDACTED]

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street West
Washington D.C. 20554

CC: Docket No. 02-6 [REDACTED]